

Exhibit “A”



**Service of Process
Transmittal**

01/02/2018

CT Log Number 532553385

TO: Bethanne Lee
MetLife Auto & Home
700 Quaker Ln, Law Department Area 2C
Warwick, RI 02886-6669

RE: Process Served in New Jersey

FOR: Metropolitan Property and Casualty Insurance Company (Domestic State: RI)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Christopher Orsatti and Claire Orsatti, etc., Pltfs. vs. Metropolitan Property and Casualty Insurance Company, Dft.

DOCUMENT(S) SERVED: Letter, Summons, Statement(s), Complaint

COURT/AGENCY: Camden County Superior Court - Law Division, NJ
Case # CAML00447117

NATURE OF ACTION: Insurance Litigation

ON WHOM PROCESS WAS SERVED: The Corporation Trust Company, West Trenton, NJ

DATE AND HOUR OF SERVICE: By Regular Mail on 01/02/2018 postmarked on 11/28/2017

JURISDICTION SERVED : New Jersey

APPEARANCE OR ANSWER DUE: Within 35 days from the date you received this summons, not counting the date you received it

ATTORNEY(S) / SENDER(S): Jeffrey S. Simons
Jacobs, Schwalbe & Petruzzelli, PC
Ten Melrose Avenue
Suite 340
CHerry Hill, NJ 08003
856-429-6661

ACTION ITEMS: CT has retained the current log, Retain Date: 01/03/2018, Expected Purge Date: 01/08/2018

Image SOP

Email Notification, CTServiceof Process mah_sop@metlife.com

Email Notification, Bethanne Lee blee5@metlife.com

SIGNED: The Corporation Trust Company
ADDRESS: 820 Bear Tavern Road
3rd Floor
West Trenton, NJ 08628
TELEPHONE: 609-538-1818

JS&P
Jacobs,
Schwalbe &
Petrucelli, P.C.
Attorneys at Law

Woodcrest Pavilion
Ten Melrose Avenue, Suite 340
Cherry Hill, NJ 08003



Metropolitan Property & Casualty Insurance Co.
c/o The Corporation Trust Company
820 Bear Tavern Road, 3rd Floor
West Trenton, NJ 08628

086281021 6048

JACOBS, SCHWALBE & PETRUZZELLI, P.C.

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WOODCREST PAVILION

TEN MELROSE AVENUE - SUITE 340

CHERRY HILL, NEW JERSEY 08003

FIRM WEBSITE: WWW.JACOBSLAWOFFICE.COM

MARK S. JACOBS
ALAN L. SCHWALBE*†
ROBERT A. PETRUZZELLI*
LAUREN S. TOVINSKY*
JEFFREY S. SIMONS*
JOHN MORELLI, OF COUNSEL**

* ALSO MEMBERS OF PA BAR

† CERTIFIED BY THE NEW JERSEY SUPREME COURT
AS A WORKERS' COMPENSATION ATTORNEY

** CERTIFIED BY THE NEW JERSEY SUPREME COURT
AS A CIVIL TRIAL ATTORNEY

PHONE (856) 429-5881
FAX (856) 429-7587

December 28, 2017

Via Certified Mail, RRR and Regular Mail

Metropolitan Property & Casualty Insurance Co.
c/o The Corporation Trust Company
820 Bear Tavern Road, 3rd Floor
West Trenton, NJ 08628

**Re: Orsatti v. Metropolitan Property & Casualty Ins. Co.
Docket No. CAM-L-004471-17**

Dear Sir or Madam:

Enclosed please find a Summons and Complaint in reference to the above-captioned matter.

Very truly yours,

JACOBS, SCHWALBE & PETRUZZELLI
A Professional Corporation



JEFFREY S. SIMONS, ESQUIRE

JSS/slg

Enclosures

cc: Sweeney & Sheehan

JACOBS, SCHWALBE & PETRUZZELLI, PC
JEFFREY S. SIMONS, ESQUIRE
Attorney I.D. No.: 009722011
Ten Melrose Avenue, Suite 340
Cherry Hill, NJ 08003
(856) 429-5661
Attorneys for the Plaintiffs, Christopher Orsatti and Claire Orsatti

Plaintiff(s)

CHRISTOPHER ORSATTI and CLAIRE
ORSATTI, Husband and Wife,

v.

Defendant(s)

METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. CAM-L-004471-17

CIVIL ACTION

SUMMONS

From The State of New Jersey

To The Defendant(s) Named Above: **Metropolitan Property and Casualty Insurance Company**

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit.

If you dispute this Complaint, you or your attorney must file a written Answer or Motion and Proof of Service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. (The address of each Deputy Clerk of the Superior Court is provided.) A \$135.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the Deputy Clerk of Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to Plaintiff's attorney whose name and address appear above, or to Plaintiff, if no attorney is named above.

A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the Court may enter a Judgment against you for the relief Plaintiff demands, plus interest and costs of suit. If Judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the Judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

By: /s/ Michelle M. Smith
Michelle M. Smith
Clerk, Superior Court

Dated: December 28, 2017

Name of Defendant to be Served: ***Metropolitan Property and Casualty Insurance Company***
Address of Defendant to be Served: ***c/o The Corporation Trust Company***
820 Bear Tavern Road, 3rd Floor
West Trenton, NJ 08628

ATLANTIC COUNTY: Deputy Clerk of the Superior Court Civil Division, Direct Filing 1201 Bacharach Blvd., First Fl. Atlantic City, NJ 08401 LAWYER REFERRAL (609) 345-3444 LEGAL SERVICES (609) 348-4200 BERGEN COUNTY: Deputy Clerk of the Superior Court Case Processing Section, Room 119 Justice Center, 10 Main St. Hackensack, NJ 07601-0769 LAWYER REFERRAL (201) 488-0044 LEGAL SERVICES (201) 487-2166 BURLINGTON COUNTY: Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake First Fl., Courts Facility 49 Rancocas Rd. Mt. Holly, NJ 08060 LAWYER REFERRAL (609) 261-4862 LEGAL SERVICES (609) 261-1088 CAMDEN COUNTY: Deputy Clerk of the Superior Court Civil Processing Office 1st Fl., Hall of Records 101 S. Fifth St. Camden, NJ 08103 LAWYER REFERRAL (856) 482-0618 LEGAL SERVICES (856) 964-2010 CAPE MAY COUNTY: Deputy Clerk of the Superior Court 9 N. Main Street Box DN-209 Cape May Court House, NJ 08210 LAWYER REFERRAL (609) 463-0313 LEGAL SERVICES (609) 465-3001 CUMBERLAND COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Broad & Fayette Sts., P.O. Box 615 Bridgeton, NJ 08302 LAWYER REFERRAL (856) 692-6207 LEGAL SERVICES - (856) 451-0003 ESSEX COUNTY: Deputy Clerk of the Superior Court 50 West Market Street Room 131 Newark, NJ 07102 LAWYER REFERRAL (973) 622-6207 LEGAL SERVICES - (973) 624-4500	GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Attn: Intake First Fl., Court House 1 North Broad Street, P.O. Box 129 Woodbury, NJ 08096 LAWYER REFERRAL (856) 848-4589 LEGAL SERVICES (856) 848-5360 HUDSON COUNTY: Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House--1st Floor 583 Newark Ave. Jersey City, NJ 07306 LAWYER REFERRAL (201) 798-2727 LEGAL SERVICES (201) 792-6363 HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division 65 Park Avenue Flemington, NJ 08822 LAWYER REFERRAL (908) 735-2611 LEGAL SERVICES (908) 782-7979 MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 S. Broad Street, P.O. Box 8068 Trenton, NJ 08650 LAWYER REFERRAL (609) 585-6200 LEGAL SERVICES - (609) 695-6249 MIDDLESEX COUNTY: Deputy Clerk of the Superior Court Administration Building Third Floor 1 Kennedy Sq., P.O. Box 2633 New Brunswick, NJ 08903-2633 LAWYER REFERRAL (732) 828-0053 LEGAL SERVICES - (732) 249-7600 MONMOUTH COUNTY: Deputy Clerk of the Superior Court Court House 71 Monument Park P.O. Box 1269 Freehold, NJ 07728-1269 LAWYER REFERRAL (732) 431-5544 LEGAL SERVICES - (732) 866-0020 MORRIS COUNTY: Deputy Clerk of the Superior Court Civil Division 30 Schuyler Pl., P.O. Box 910 Morristown, NJ 07960-0910 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES - (973) 285-6911	OCEAN COUNTY: Deputy Clerk of the Superior Court Court House, Room 119 118 Washington Street Toms River, NJ 08754 LAWYER REFERRAL (732) 240-3666 LEGAL SERVICES (732) 341-2727 PASSAIC COUNTY: Deputy Clerk of the Superior Court Civil Division Court House 77 Hamilton St. Paterson, NJ 07505 LAWYER REFERRAL (973) 278-9223 LEGAL SERVICES (973) 345-7171 SALEM COUNTY: Deputy Clerk of the Superior Court 92 Market St., P.O. Box 18 Salem, NJ 08079 LAWYER REFERRAL (856) 935-5628 LEGAL SERVICES (856) 451-0003 SOMERSET COUNTY: Deputy Clerk of the Superior Court Civil Division Office New Court House, 3rd Fl. P.O. Box 3000 Somerville, NJ 08876 LAWYER REFERRAL (908) 685-2323 LEGAL SERVICES (908) 231-0840 SUSSEX COUNTY: Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 383-7400 UNION COUNTY: Deputy Clerk of the Superior Court 1st Fl., Court House 2 Broad Street Elizabeth, NJ 07207-6073 LAWYER REFERRAL (908) 353-4715 LEGAL SERVICES - (908) 354-4340 WARREN COUNTY: Deputy Clerk of the Superior Court Civil Division Office Court House 413 Second Street Belvidere, NJ 07823-1500 LAWYER REFERRAL (973) 267-5882 LEGAL SERVICES (973) 475-2010
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Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-004471-17

Case Caption: ORSATTI CHRISTOPH VS

METROPOLITAN PROPERTY AND

Case Initiation Date: 11/16/2017

Attorney Name: JEFFREY S SIMONS

Firm Name: JACOBS SCHWALBE & PETRUZZELLI, PC

Address: 10 MELROSE AVENUE SUITE 340

CHERRY HILL NJ 08003

Phone:

Name of Party: PLAINTIFF : ORSATTI, CHRISTOPH

Name of Defendant's Primary Insurance Company

(If known): Unknown

Case Type: UM OR UIM CLAIM (INCLUDES BODILY INJURY)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Business

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Plaintiff name is CHRISTOPHER Orsatti

not enough room in the box to type his full name

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

11/16/2017



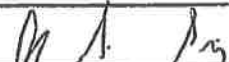
Dated

/s/ JEFFREY S SIMONS

Signed

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Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Jeffrey S. Simons, Esquire		TELEPHONE NUMBER (856) 429-5661	
	COUNTY OF VENUE Camden		DOCKET NUMBER (when available)	
	FIRM NAME (if applicable) Jacobs, Schwalbe & Petruzzelli, P.C.		DOCUMENT TYPE Complaint	
OFFICE ADDRESS Ten Melrose Avenue - Suite 340 Cherry Hill, NJ 08003		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Christopher Orsatti and Claire Orsatti, Plaintiffs		CAPTION Orsatti v. Metropolitan Property and Casualty Insurance Company		
CASE TYPE NUMBER (See reverse side for listing) 621	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) N/A <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				

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Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|--|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOLIN 274 RISPERDAL/SEROQUEL/ZYPREXA 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE | <ul style="list-style-type: none"> 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA |
|--|--|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

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JACOBS, SCHWALBE & PETRUZZELLI, PC
JEFFREY S. SIMONS, ESQUIRE
Attorney I.D. No.: 009722011
Ten Melrose Avenue, Suite 340
Cherry Hill, NJ 08003
(856) 429-5661
Attorneys for the Plaintiffs, Christopher Orsatti and Claire Orsatti

Plaintiff(s)

CHRISTOPHER ORSATTI and CLAIRE
ORSATTI, Husband and Wife,

v.

Defendant(s)

METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. _____

CIVIL ACTION

***COMPLAINT FOR UNDERINSURED
MOTORIST COVERAGE***

The Plaintiffs, Christopher Orsatti and Claire Orsatti, residing at 22 Haines Drive, in the Township of Mantua, New Jersey, by way of Complaint against Defendant, Metropolitan Property and Casualty Insurance Company, by way of Complaint hereby say:

FIRST COUNT

1. On or about May 9, 2014, the Plaintiff Christopher Orsatti, was the operator of a motor vehicle traveling eastbound on I-76 in the City of Philadelphia, Commonwealth of Pennsylvania and State of Pennsylvania, when it was struck in the rear by a vehicle operated by the tortfeasor, John Varnis, IV.

2. At the time of the accident, the tortfeasor, John Varnis, IV, was operating a motor vehicle owned by John Varnis, III, which had a limited policy of automobile insurance with AAA Mid-Atlantic Insurance Company. That policy of insurance is a limited basic policy, with policy limits of \$15,000.00/\$30,000.00. Plaintiff's injuries exceed those limits.

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3. The Plaintiff, Christopher Orsatti, has a policy of insurance with Metropolitan Property and Casualty Insurance Company under Policy No. 2215330620. Said policy of insurance with Metropolitan Property and Casualty Insurance Company provides for uninsured motorist insurance as well as underinsured motorist insurance in the amount of \$100,000.00/\$300,000.00.

4. The Defendant, Metropolitan Property and Casualty Insurance Company acknowledged the underinsured motorist claim of the Plaintiff and did not indicate that there was any limitation or stepdown in coverage for the policy issued to Christopher Orsatti.

5. The Defendant, Metropolitan Property and Casualty Insurance Company, has failed to offer the full policy limit of \$100,000.00 to Plaintiff, Christopher Orsatti, despite clear and convincing evidence that the policy in question should be tendered in light of extensive and numerous injuries of Plaintiff, Christopher Orsatti.

6. Because of the fact that Defendant, Metropolitan Property and Casualty Insurance Company, has failed to make a fair offer and tender its policy limit, Metropolitan Property and Casualty Insurance Company is in breach of its fiduciary duty to the Plaintiff, Christopher Orsatti, has failed to negotiate in full faith, and has in fact acted in bad faith towards the Plaintiff, Christopher Orsatti, in connection with this matter.

WHEREFORE, the Plaintiff, Christopher Orsatti, hereby demands against the Defendant, Metropolitan Property and Casualty Insurance Company, for the following:

- (A) A declaration that he is entitled to the underinsured motorist benefits from Metropolitan Property and Casualty Insurance Company in the full and complete amount of the policy limit;
- (B) Awarding him all damages for bodily injury in connection with this matter;

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- (C) For punitive damages as well as emotional damages in connection with Metropolitan Property and Casualty Insurance Company's failure to act in good faith and tender its policy limit;
- (D) For attorney's fees and costs in connection with the bringing of this action; and
- (E) For other such relief as the Court may deem equitable and just.

SECOND COUNT

1. For the sake of brevity, the First Count of Plaintiffs' Complaint is incorporated herein and made a part of this Second Count as if fully set forth herein at length.
2. Plaintiff, Claire Orsatti, is the wife of the Plaintiff, Christopher Orsatti, and is entitled to his care, services, companionship and consortium.
3. As a result of the negligence by the Defendant, Metropolitan Property and Casualty Insurance Company, the Plaintiff, Claire Orsatti, has been deprived of the care, services, companionship and consortium of her husband, Christopher Orsatti.

WHEREFORE, the Plaintiff, Claire Orsatti, hereupon demands Judgment against the Defendant, Metropolitan Property and Casualty Insurance Company, for such sums as would reasonably and properly compensate her in accordance with the Laws of the State of New Jersey, together with interest and costs of suit.

JACOBS, SCHWALBE & PETRUZZELLI, PC
Attorneys for Plaintiffs, Christopher Orsatti and
Claire Orsatti

By: 

JEFFREY S. SIMONS, ESQUIRE

Dated: November 16, 2017

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DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE that demand is hereby made by the Plaintiffs for a Trial by Jury as to all issues of this cause of action.

JACOBS, SCHWALBE & PETRUZZELLI, PC
Attorneys for Plaintiffs, Christopher Orsatti and
Claire Orsatti

By: 
JEFFREY S. SIMONS, ESQUIRE

Dated: November 16, 2017

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Jeffrey S. Simons, Esquire, is hereby designated as trial counsel in the above-captioned matter on behalf of the law firm of Jacobs, Schwalbe & Petruzzelli, P.C.

JACOBS, SCHWALBE & PETRUZZELLI, PC
Attorneys for Plaintiffs, Christopher Orsatti and
Claire Orsatti

By: 
JEFFREY S. SIMONS, ESQUIRE

Dated: November 16, 2017

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CERTIFICATION PURSUANT TO RULES 4:5-1 and 4:6-1(d)

1. The Complaint has been filed within the time period allowed by the Rules of the Court.
2. To the best of my knowledge and belief, this matter is not the subject of any other matters pending in the Superior Court of New Jersey for Camden County.
3. To the best of my knowledge and belief, there are no other parties who should be joined in this action pursuant to Rule 4:30A.

JACOBS, SCHWALBE & PETRUZZELLI, PC
Attorneys for Plaintiffs, Christopher Orsatti and
Claire Orsatti

By: 
JEFFREY S. SIMONS, ESQUIRE

Dated: November 16, 2017

DEMAND FOR ANSWERS TO INTERROGATORIES

Plaintiffs, Christopher Orsatti and Claire Orsatti, hereby demand Defendant, Metropolitan Property and Casualty Insurance Company, provide certified answers to Form C Interrogatories within the time prescribed by the Rules of the Court.

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JACOBS, SCHWALBE & PETRUZZELLI, PC
Attorneys for Plaintiffs, Christopher Orsatti and
Claire Orsatti

By: 
JEFFREY S. SIMONS, ESQUIRE

Dated: November 16, 2017

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Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-004471-17

Case Caption: ORSATTI CHRISTOPH VS
METROPOLITAN PROPERTY AND

Case Initiation Date: 11/16/2017

Attorney Name: JEFFREY S SIMONS

Firm Name: JACOBS SCHWALBE & PETRUZZELLI, PC

Address: 10 MELROSE AVENUE SUITE 340
CHERRY HILL NJ 08003

Phone:

Name of Party: PLAINTIFF : ORSATTI, CHRISTOPH

Name of Defendant's Primary Insurance Company
(if known) Unknown

Case Type: UM OR UIM CLAIM (INCLUDES BODILY INJURY)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Business

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Plaintiff name is CHRISTOPHER Orsatti
not enough room in the box to type his full name

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

11/16/2017
Dated

/s/ JEFFREY S SIMONS
Signed

MET-2835**SWEENEY & SHEEHAN**

Sentry Office Plaza, Suite 500

216 Haddon Avenue

Westmont, New Jersey 08108

(856) 869-5600--Telephone

(856) 869-5605--Facsimile

Frank Gattuso, Esquire**Attorney I.D. No.: 002291999**

Attorney for Defendant, Metropolitan Property and Casualty Insurance Company

CHRISTOPHER ORSATTI and
CLAIRE ORSATTI,
Plaintiff,

v.

METROPOLITAN PROPERTY AND CASUALTY
INSURANCE COMPANY,
*Defendants.*SUPERIOR COURT OF NEW JERSEY
LAW DIVISION--CAMDEN COUNTY
DOCKET NO.: CAM-L-4471-17

Civil Action

**ANSWER TO THE PLAINTIFFS'
COMPLAINT ON BEHALF OF
DEFENDANT, METROPOLITAN
PROPERTY AND CASUALTY
INSURANCE COMPANY**

Defendant, Metropolitan Property and Casualty Insurance Company, by way of Answer to the Plaintiffs' Complaint, hereby says:

FIRST COUNT

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Denied.

WHEREFORE, Answering Defendant, Metropolitan Direct Property and Casualty Insurance Company, demands judgment against the Plaintiffs, Christopher Orsatti and Claire Orsatti, dismissing Plaintiff's Complaint together with the costs of suit, counsel fees and such relief as this Court may deem appropriate.

SECOND COUNT

1. Answering Defendant, Metropolitan Property and Casualty Insurance Company, repeats and reiterates each of its answers to the First Count of the Plaintiffs' Complaint as if each were set forth at length herein.

2. Denied.

3. Denied.

WHEREFORE, Answering Defendant, Metropolitan Direct Property and Casualty Insurance Company, demands judgment against the Plaintiffs, Christopher Orsatti and Claire Orsatti, dismissing Plaintiff's Complaint together with the costs of suit, counsel fees and such relief as this Court may deem appropriate.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The Answering Defendant was not guilty of any negligence, wrongdoing or breach of duty as claimed. Defendant is free from any and all negligence.

SECOND SEPARATE DEFENSE

Any claims against the Answering Defendant are barred, and should be mitigated by the principles of contributory and/or comparative negligence.

THIRD SEPARATE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

FOURTH SEPARATE DEFENSE

Answering Defendant asserts all the rights, privileges, defenses and immunities available under the Tort Claims Act; N.J.S.A. 59:1-1 et. seq.

FIFTH SEPARATE DEFENSE

Negligence, if any, on the part of Answering Defendant is not the proximate cause of any injuries which may have been sustained by the Plaintiff.

SIXTH SEPARATE DEFENSE

Plaintiff has assumed the risk.

SEVENTH SEPARATE DEFENSE

If Plaintiff was injured as alleged in his Complaint, which allegations of injury are

expressly denied, then Answering Defendant avers that Plaintiff's injuries and/or damages were caused by the actions and/or omissions of individuals or entities over whom Answering Defendant had no control, nor the right to control, nor the duty to control.

EIGHTH SEPARATE DEFENSE

Plaintiff was contributorily negligent and, therefore, any recovery to which Plaintiff would otherwise be entitled to as against Answering Defendant must be reduced by the application of Comparative Negligence Act codified at N.J.S.A. 2A:15-5.1, et seq.

NINTH SEPARATE DEFENSE

Answering Defendant asserts the applicable Statute of Limitations as a defense.

TENTH SEPARATE DEFENSE

Plaintiff's claims are barred or limited by the equitable doctrine of laches.

ELEVENTH SEPARATE DEFENSE

The Plaintiff has failed to comply with the provisions of the New Jersey Automobile Cost Reduction Act, N.J.S.A. 39:6A-1.1, et. seq.; which failure constitutes an absolute bar to the maintenance of this action.

TWELFTH SEPARATE DEFENSE

There was no legal duty owed by the Answering Defendant to the Plaintiff at the time of the incident complained of. In the alternative, if any duty was owing, then there was no breach of that duty by the Defendant.

THIRTEENTH SEPARATE DEFENSE

Defendant performed fully and properly all of its duties with respect to the subject matter in issue in conformity with the practices, procedures, and applicable standards in its community.

FOURTEENTH SEPARATE DEFENSE

Plaintiff is barred from recovery inasmuch as the matters complained of were proximately caused by the actions and/or inactions of Plaintiff himself or herself.

FIFTEENTH SEPARATE DEFENSE

Plaintiff is barred from recovery by operation of the law of waiver.

SIXTEENTH SEPARATE DEFENSE

Plaintiff is barred from recovery by operation of the law of failure of consideration.

SEVENTEENTH SEPARATE DEFENSE

Plaintiff is barred from recovery by the operation of the law of estoppel.

EIGHTEENTH SEPARATE DEFENSE

Defendant violated no duty of any kind owing to the Plaintiff, but performed properly its duty owing to the Plaintiff.

NINETEENTH SEPARATE DEFENSE

Plaintiff suffered no losses or damages by reason of any alleged acts of Defendant.

TWENTIETH SEPARATE DEFENSE

Any losses or damages allegedly sustained by Plaintiff, was caused proximately by the Plaintiff's own actions, or other individuals.

TWENTY-FIRST SEPARATE DEFENSE

The Court lacks jurisdiction over the person or entities and there is insufficiency of process and service of process.

TWENTY SECOND SEPARATE DEFENSE

The losses alleged in the Complaint are not covered by the policy of insurance issued to the Plaintiff.

TWENTY THIRD SEPARATE DEFENSE

The claims set forth in the Complaint are barred by the fraud of the Plaintiff.

TWENTY FOURTH SEPARATE DEFENSE

The claims of the Plaintiff are barred by the doctrine of unclean hands.

TWENTY FIFTH SEPARATE DEFENSE

Plaintiff is barred from recovering due to the doctrine of the statute of frauds.

TWENTY SIXTH SEPARATE DEFENSE

Defendant did not breach any agreement of any kind between the parties.

TWENTY SEVENTH SEPARATE DEFENSE

Plaintiff has failed to join all parties necessary for a proper adjudication of the within

matter. Defendant reserves the right pursuant to the Rules of Court to join such additional defendants such as may be determined to be necessary to this action.

TWENTY EIGHTH SEPARATE DEFENSE

Plaintiff received exactly what they contracted for by way of insurance.

TWENTY NINTH SEPARATE DEFENSE

Plaintiff's negligence, improper actions, and failure to take necessary action to effectuate proper and adequate insurance coverage solely caused the occurrences, losses and damages alleged in his Complaint.

THIRTIETH SEPARATE DEFENSE

There was no privity between the complainant and this Defendant.

THIRTY FIRST SEPARATE DEFENSE

There has been an accord and satisfaction whereby the Defendant is discharged from any liability.

THIRTY SECOND SEPARATE DEFENSE

The Plaintiff has failed to comply with conditions precedent necessary to a recovery under the contract.

THIRTY THIRD SEPARATE DEFENSE

The provisions of the policy of insurance represent the complete contract and cannot be amended by the action of any person.

THIRTY FOURTH SEPARATE DEFENSE

Insofar as the Complaint endeavors to assert a cause of action based on breach of contract (which breach is denied) the damages sought were not within the contemplation of the parties at the time of making of the contract, and further would not naturally result from any breach.

THIRTY FIFTH SEPARATE DEFENSE

This suit cannot lie because Plaintiff failed to comply with the conditions of the contract.

THIRTY SIXTH SEPARATE DEFENSE

This Defendant having fully performed its contract, the contract is terminated and Plaintiff cannot sue thereon.

THIRTY SEVENTH SEPARATE DEFENSE

Answering Defendant hereby reserves the right upon completion of its investigation and discovery to file such additional defenses, separate defenses, counterclaims and/or third party Complaints, as may be appropriate.

THIRTY EIGHTH SEPARATE DEFENSE

Defendant, Metropolitan Property and Casualty Insurance Company did not breach any agreement of any kind between the parties.

THIRTY NINTH SEPARATE DEFENSE

Plaintiff received exactly what he contracted for by way of insurance.

FORTIETH SEPARATE DEFENSE

Any claim by any party hereto as against Metropolitan Property and Casualty Insurance Company is subject to all applicable terms, conditions, provisions, endorsements, and exclusions of the insurance policy governing the relationship between Metropolitan Property and Casualty Insurance Company, and its insured in this case.

FORTY-FIRST SEPARATE DEFENSE

Any and all injuries and damages sustained by the Plaintiff were caused by Plaintiff's negligence in failing to wear seatbelts in violation of N.J.S.A. 38:3-76.2, et. seq. and Plaintiff's damages are reduced accordingly.

FORTY-SECOND SEPARATE DEFENSE

Answering Defendant asserts that they are entitled to a credit or set-off with respect to all collateral payments to plaintiff for injuries or damages arising from the incident alleged pursuant to N.J.S.A. 2A:15-97.

FORTY-THIRD SEPARATE DEFENSE

The Complaint improperly makes demands for damages for items not cognizable pursuant to N.J.S.A. 39:6A-12.

FORTY-FOURTH SEPARATE DEFENSE

Defendant performed in good faith each and every duty owed under the applicable contract of insurance.

FORTY-FIFTH AFFIRMATIVE DEFENSE

At all times relevant, Defendant acted in good faith in its dealings with the Plaintiff.

FORTY-SIXTH AFFIRMATIVE DEFENSE

If Plaintiff suffered damages as alleged in the Complaint which allegations of damages are denied, then Plaintiff failed to mitigate her damages as required by law.

FORTY-SEVENTH AFFIRMATIVE DEFENSE

Defendant performed fully and properly all of its duties with respect to the subject matter at issue in conformity with the practices, procedures and applicable standards in the community.

FORTY-EIGHTH AFFIRMATIVE DEFENSE

The Defendant has not committed any statutory fraud or common law fraud.

FORTY-NINTH AFFIRMATIVE DEFENSE

There was no intentional wrongdoing or evil-minded act accompanied by wanton and willful disregard of the rights of another by the Defendants to warrant punitive damages.

FIFTIETH AFFIRMATIVE DEFENSE

There was no actual malice or reckless act on the part of the Defendants.

FIFTY-FIRST AFFIRMATIVE DEFENSE

Defendants performed fully and properly all of their duties with respect to the subject matter at issue in conformity with the practices, procedures and applicable standards in the community.

RESERVATION OF DEFENSES AND OBJECTIONS

Answering Defendant hereby reserves the right to interpose such other defenses and objections as continuing investigation and discovery may disclose.

DESIGNATION OF TRIAL COUNSEL

In accordance with R.4:25-4, Frank Gattuso, Esquire, is trial counsel for Defendant, Metropolitan Property and Casualty Insurance Company.

DEMAND FOR STATEMENT OF DAMAGES

Answering Defendant, Metropolitan Property and Casualty Insurance Company, demands of Plaintiffs, a written statement of damages claimed pursuant to R.4:5-2 within five (5) days of service.

DEMAND FOR JURY TRIAL

A trial by jury is herewith demanded as to all issues herein.

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading and the previous pleadings, if any, at the present time we know of no other parties who should be joined in the within action.

SWEENEY & SHEEHAN

Attorneys for Defendant, Metropolitan Property and
Casualty Insurance Company

By: _____

Frank Gattuso, Esquire
For the Firm

Dated: _____

1/11/18

MET-2835**SWEENEY & SHEEHAN**

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Frank Gattuso, Esquire**Attorney I.D. No.: 002291999**

Attorney for Defendant, Metropolitan Property and Casualty Insurance Company

CHRISTOPHER ORSATTI and
CLAIRE ORSATTI,
Plaintiff,

v.

METROPOLITAN PROPERTY AND CASUALTY
INSURANCE COMPANY,
*Defendants.*SUPERIOR COURT OF NEW JERSEY
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PROOF OF FILING

I hereby certify that a copy of Answering Defendant, Metropolitan Property and Casualty Insurance Company's, Answer to Plaintiffs' Complaint with Affirmative Defenses and Crossclaims was filed via Court's Electronic Website and; therefore, simultaneously served upon all interested counsel on 1/11/18.

By: 

Frank Gattuso

For Sweeney & Sheehan

Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-004471-17

Case Caption: ORSATTI CHRISTOPH VS

METROPOLITAN PROPERTY Y AND

Case Initiation Date: 11/16/2017

Attorney Name: GIACOMO FRANCESCO GATTUSO

Firm Name: SWEENEY & SHEEHAN PC

Address: 216 HADDON AVE STE 500

WESTMONT NJ 08108

Phone:

Name of Party: DEFENDANT : METROPOLITAN

PROPERTY AND CASU

Name of Defendant's Primary Insurance Company

(if known): Metropolitan Property and Casualty Insurance Co.

Case Type: UM OR UIM CLAIM (INCLUDES BODILY INJURY)

Document Type: Answer

Jury Demand: YES - 12 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/11/2018

Dated

/s/ GIACOMO FRANCESCO GATTUSO

Signed

MET-2835**SWEENEY & SHEEHAN**

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(856) 869-5605--Facsimile

Frank Gattuso, Esquire**Attorney I.D. No.: 002291999**

Attorney for Defendant, Metropolitan Property and Casualty Insurance Company

CHRISTOPHER ORSATTI and
CLAIRE ORSATTI,
Plaintiff,

v.

METROPOLITAN PROPERTY AND CASUALTY
INSURANCE COMPANY,
*Defendants.*SUPERIOR COURT OF NEW JERSEY
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CONSENT ORDER

IT IS hereby agreed, by and among counsel for Plaintiffs, Christopher Orsatti and Claire Orsatti, and Defendant, Metropolitan Property & Casualty Insurance Company, that the claim set forth in the First Count, Paragraph 6, for Punitive Damages and Possible Bad Faith for the Defendant's failure to adjust the claim and compensate the Plaintiff for his injuries and damages. It is hereby severed and stayed, and may be considered by the Court once the Plaintiff establishes a legal right to pursue such claims following a resolution of the other claims set forth in the Complaint.

The undersigned, Jeffrey S. Simons, Esquire, as counsel for the Plaintiffs, and Frank Gattuso, Esquire, as counsel for the Defendant, consent to the formal entry of this Order.



JEFFREY S. SIMONS, ESQUIRE



FRANK GATTUSO, ESQUIRE

DATED: 1/30/18